

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DEANA CHIGAROS,

Plaintiff,

v.

**PROFESSIONAL ENGINEERING
CONSULTANTS, PROFESSIONAL
ASSOCIATION, a foreign for profit
business association,**

Defendant.

Case No. 21-CV-117-TCK-CDL

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendant, Professional Engineering Consultants, Professional Association (“Defendant”), hereby removes this action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. Defendant is the named Defendant in a civil action initially filed on February 18, 2021, in the District Court of Tulsa County, State of Oklahoma, styled *Deana Chigaros v. Professional Engineering Consultants, Professional Association, a foreign for profit business association*, CJ-2021-00468.

2. Removal of this action from the District Court of Tulsa County, Oklahoma to federal court is proper pursuant to 28 U.S.C. §§ 1331, 1332, 1441(a) and 1441(b) because the federal court would have original jurisdiction of this action on the basis of federal

question jurisdiction (28 U.S.C. § 1331) and diversity of citizenship (28 U.S.C. § 1332) had this action been brought originally in the federal court.

3. Original jurisdiction is proper in this case pursuant to 28 U.S.C. § 1331 because, in the Petition, Plaintiff asserted three causes of action under Title VII of the Civil Rights Act of 1964, as amended, alleging that Plaintiff was discriminated and retaliated against on the basis of gender and that she was subject to a hostile work environment. Thus, Plaintiff's claims are the type of claim which arise under the Constitution, laws, or treaties of the United States.

4. Removal of this action is also appropriate pursuant to 28 U.S.C. § 1441(b) because the federal court would have had original jurisdiction over this action based on diversity of citizenship, 28 U.S.C. § 1332, had this action originally been brought in federal court.

5. Plaintiff is a resident of McIntosh County, Oklahoma.

6. Defendant is a Kansas for profit business corporation with its principal place of business in the State of Kansas. As such, Defendant is deemed a citizen of Kansas. *See* Affidavit of Joseph P. Surmeier, attached hereto as Exhibit 1.

7. Further, the amount in controversy exceeds \$75,000.00.

8. Additionally, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state law claim for intentional infliction of emotional distress.

5. Defendant was served on February 25, 2021.

6. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is timely filed because it is within 30 days after Defendant was served with process.

7. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly provide written notice of removal of the action to all other parties to this lawsuit and will promptly file a copy of this Notice of Removal with the Clerk of the Tulsa County District Court.

8. Pursuant to 28 U.S.C. § 1446, and in compliance with LCvR 81.2, copies of all process, pleadings, orders, and documents filed or served in the state action are attached hereto. *See* Petition, attached hereto as Exhibit 2, and Defendant's Professional Engineering Consultants, Professional Association's Special Entry of Appearance, Request for Extension of Time, and Reservation of rights, attached here as Exhibit 3.

9. Also in compliance with LCvR 81.2, a copy of the docket sheet is attached as Exhibit 4.

10. There are currently no motions pending in this action.

WHEREFORE, Defendant, Professional Engineering Consultants, Professional Association, respectfully requests that the United States District Court for the Northern District of Oklahoma accept this Notice of Removal, assume jurisdiction over the case, and issue such further orders and processes as may be necessary.

Respectfully submitted,

**HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.**

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

Daniel E. Smolen, OBA #19943
Smolen & Roytman
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s/ Steven A. Broussard

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